

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6387

BILL NUMBER: SB 95

NOTE PREPARED: Nov 29, 2005

BILL AMENDED:

SUBJECT: Sex Offenders.

FIRST AUTHOR: Sen. Meeks

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class B felony (instead of a Class D or Class C felony) for a sex offender to knowingly or intentionally fail to register as a sex offender.

It makes child molesting committed by performing or submitting to sexual intercourse or deviate sexual conduct with a child less than 14 years of age a Class A felony (instead of a Class B felony).

It also makes child molesting committed by fondling or touching a child less than 14 years of age with the intent to arouse or satisfy the sexual desires of the child or the older person a Class B felony (instead of a Class C felony).

Effective Date: July 1, 2006.

Explanation of State Expenditures: State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. Under the bill, a sex offender knowingly or intentionally failing to register as a sex offender would be a Class B felony. Under current law, it is a Class D felony, or a Class C felony if the offender has prior convictions under the section.

Under current law, a person who performs or submits to sexual intercourse or deviate sexual conduct with a child under 14 years of age commits child molesting, a Class B felony, or in certain circumstances, a Class A felony. Under the bill, all crimes under this section would be a Class A felony.

The bill also increases the penalty for performing or submitting to any fondling or touching with a child under

the age of 14 years old. Under current law, this form of child molesting is a Class C felony, or, depending on the circumstance, may be a Class A felony. Under the bill, the offense would be a Class B felony, but could be elevated to a Class A felony as before.

Depending upon mitigating and aggravating circumstances, a Class A felony is punishable by a prison term ranging from 20 to 50 years, a Class B felony is punishable by a prison term ranging between 6 to 20 years, a Class C felony is punishable by a prison term ranging between 2 to 8 years, and a Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor. The average length of stay in Department of Correction (DOC) facilities for all Class A felony offenders is approximately 9.1 years, for all Class B felony offenders is approximately 3.7 years, for all Class C offenders is approximately 2.0 years, and for all Class D felony offenders is approximately 10 months. More offenders could mean increased costs to the DOC.

The average expenditure to house an adult offender was \$20,977 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$62,292.

Since these offenders would have a later date of release, enhancing child molesting from a Class B felony to a Class A felony and from a Class C felony to a Class B felony, and increasing the penalty for failing to register as a sex offender from a Class C or D felony to a Class B felony could increase the number of beds needed if no other change occurs. On average between FY 2000 and FY 2004, there were 7 people a year committed for failing to register as a sex offender, 154 offenders a year committed to DOC facilities for Class B felony child molesting, and 295 people a year committed to DOC facilities for Class C felony child molesting. Based on the commitment data reported by the Department of Correction and an effective date of July 1, 2006, an additional 20 beds would be needed for DOC facilities by 2007, another 502 beds would be needed by 2008, and 832 additional beds would be needed for DOC facilities by 2010.

Explanation of State Revenues: Criminal fines and court fees are the same for Class A, B, C, and D felonies, suggesting no change would occur in state revenue as a result of this bill.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class A, B, and C felonies are all \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.